United States Environmental Protection Agency
Washington, D.C. 20460

Water Compliance Inspection Report

Section A: National Data System Coding (i.e., PCS)

Transaction Code	NPDES	yr/mo/day	Inspection Type	Inspector	Fac Type
1 N 2 5	3 WA U 0 0 0 4 8 7 11	12 10 03 31 17	18 I	19 R	20 3

4-12-2010 MB

Remarks

21 66

Inspection Work Days	Facility Self-Monitoring Evaluation Rating	BI	QA	Reserved
67 50 69	70	71	72	73 74 75 80

Section B: Facility Data

Name and Location of Facility Inspected *(For industrial users discharging to POTW, also include POTW name and NPDES permit number)*

TJ Veen Acre Farms, Inc.
9501 Van Buren Road
Lynden, WA 98264

Entry Time/Date: 10:20AM / 03/31/10

Permit Effective Date: —

Exit Time/Date: 1:00 PM / 03/31/10

Permit Expiration Date: —

Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)

John Vander Veen, President
[redacted] (b) (6)

Other Facility Data *(e.g., SIC NAICS, and other descriptive information)*

SIC = 0241
Unpermitted

Name, Address of Responsible Official/Title/Phone and Fax Number

Same as above.

Contacted ☑ Yes ☐ No

RECEIVED
APR 12 2010
U.S. EPA REGION 10
OFFICE OF COMPLIANCE AND ENFORCEMENT

Section C: Areas Evaluated During Inspection *(Check only those areas evaluated)*

☐ Permit	☑ Self-Monitoring Program	☐ Pretreatment	☐ MS4
☑ **Records/Reports**	☐ Compliance Schedules	☐ Pollution Prevention	
☑ Facility Site Review	☐ Laboratory	☐ Storm Water	
☑ Effluent/Receiving Waters	☑ Operations & Maintenance	☐ Combined Sewer Overflow	
☐ Flow Measurement	☐ Sludge Handling/Disposal	☐ Sanitary Sewer Overflow	

Section D: Summary of Findings/Comments

(Attach additional sheets of narrative and checklists, including Single Event Violation codes, as necessary)

SEV Codes | SEV Description

See the attached report.

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Phone and Fax Numbers	Date
Joseph S. Roberto	EPA/OCE/206-553-1669	04/12/10
Dave Terpening	EPA/OCE/206-553-6905	
Signature of Management Q A Reviewer	**Agency/Office/Phone and Fax Numbers**	**Date**
Kim Ogle	EPA/OCE/MCH 3-0955	4/12/10.

EPA Form 3560-3 (Rev 1-06) Previous editions are obsolete.

PCS WAU0000487

PCS 4-12-2010 MB

NPDES
Inspection Report

TJ Veen Acre Farms, Inc.

Lynden, Washington

March 31, 2010

Prepared by:
Joe Roberto, Environmental Engineer
Environmental Protection Agency, Region 10
Office of Compliance and Enforcement
Inspection and Enforcement Management Unit

Table of Contents

(Unless otherwise noted, all details in this inspection report were obtained from conversations with John Vander Veen or from observations during the inspection.

This inspection report includes several aerial photographs (attachments A, C, D, and E) and a photograph documentation attachment (attachment B). The aerial photograph in attachment A shows the general location of the various parts of this dairy operation. The aerial photographs in attachments C, D, and E focus in on various parts of the dairy operation. Attachments C, D, and E also identify the photograph number, direction and location of the photographs included in the photograph documentation attachment.)

I. Facility Information

Facility Name:	TJ Veen Acre Farms, Inc.
Facility Type:	Dairy (SIC 0241)
Facility/Mailing Address:	9501 Van Buren Road Lynden, Washington 98264 Whatcom County
Facility Phone #s:	(b) (6) (office) (b) (6) (cell)
Facility Contact(s):	John Vander Veen (President) Joanne Vander Veen (Secretary)

II. Inspection Information

Inspection Date:	March 31, 2010
Arrival Time:	10:20 AM
Departure Time:	1:00 PM
Weather:	Sunny
Purpose:	Determination of compliance with the Clean Water Act

III. Permit Information

This facility is not currently covered by an NPDES permit.

IV. Background and Activity

According to John Vander Veen, (b) (6) has operated this dairy since approximately 1965.

This facility consists of a barn complex which includes the confinement areas, milk parlor, and silage and other feed storage. This facility also includes a below ground tank, solids separator, two waste storage lagoons, and land application fields.

The waste generated at this facility is mainly manure and urine deposited in the barn areas. This facility is designed such that the wastes generated are collected, stored and then ultimately land applied on approximately 330 acres of adjacent fields.

The inspection of this dairy is part of EPA Region 10's concentrated animal feeding operation initiative.

See attachments A thru E for details on the facility components.

V. Individuals Present

The inspectors present throughout this inspection included Joe Roberto (EPA), Dave Terpening (EPA), and Kurt Niemeyer (Washington State Department of Agriculture).

The facility representatives present during the inspection were John Vander Veen and Rolf Veening. Mr. Veening was only present for the opening conference of the inspection. Mr. Vander Veen accompanied us throughout the inspection.

VI. Inspection Entry

This was an unannounced inspection. Upon arriving at the facility, Dave Terpening and I presented our credentials and explained the purpose of the visit to John Vander Veen and Rolf Veening.

Mr. Vander Veen and Mr. Veening did not deny us access to the facility. We were allowed to inspect all areas that we wished to inspect.

VII. Inspection Chronology

Upon arriving at the facility we began the inspection with an opening conference where we discussed the purpose and expectations of the inspection. Following

the opening conference, I interviewed Mr. Vander Veen about operations at the facility.

We then conducted a facility tour where we inspected the confinement area, waste storage and treatment facilities, land application areas and receiving waters.

We concluded the inspection with a closing conference where I discussed the areas of concern I identified during the inspection.

VIII. Owner and Operator Information

According to John Vander Veen, TJ Veen Acre Farms, Inc. owns and operates the dairy facility. (b) (6) [redacted]

In addition, some of the land application areas utilized by the dairy are leased from other neighboring land owners.

IX. Number of Animals

According to Mr. Vander Veen, this facility houses a total of approximately 520 animals including 420 milking cows, 40 dry cows, and 60 calves.

X. Presence of Vegetation in the Confinement Areas

The confinement areas at this facility consist of barns with concrete floors. I did not see any vegetation in any of the confinement areas.

XI. Length of Animal Confinement

Milking cows at this facility are confined in the barns throughout the year. Dry cows are allowed on pastures at certain times.

XII. Waste Management Process

Waste generated at this facility is mainly from the barns where the animals are confined. The operation of this facility is such that waste from the barns are either flushed or scraped to the 60,000 gallon below ground manure tank. The waste in the below ground tank is then pumped to a solids separator. The separated solids are stored on site on a concrete slab area until they are exported offsite and used by local raspberry farmers. The separated liquids are routed to

one of two waste storage lagoons for long term storage until it can be land applied.

Wastewater from the lagoon system is also recycled and used as flush water to clean portions of the barn complex.

See attachments A thru E for details regarding the waste management process at this facility.

XIII. Observed Discharge

I did not see any wastewater, from this facility, enter nearby surface waters at the time of this inspection.

XIV. Areas of Concern

We inspected the facility including the confinement areas and the waste handling systems. I saw two areas of concern at the time of the inspection. These areas of concern are described as follows:

A. Silage Leachate Drainage While inspecting the dairy barn complex I inspected the vicinity of the silage bunker. I saw that the area just south of the silage bunker appeared to slope toward a drain located south of the silage bunker and east of the milk parlor. I also saw what appeared to be residual silage in this drainage area. See photograph #7 of attachment B and attachment C for details of this silage drainage.

According to Mr. Vander Veen, wastewater entering this drain is routed south of the dairy via an underground pipeline. The outlet end of this pipeline daylights south of the dairy in an area identified as a filter strip. See photograph #s 8 and 9 of attachment B and attachment D for details of this filter strip.

I saw that this filter strip area appeared to slope in the direction of Pangborn Creek which is located south of the dairy barn complex. See photograph #10 of attachment B and attachment D for details on Pangborn Creek.

Mr. Vander Veen said that water flowing into this filter strip does not flow into Pangborn Creek because the filter strip is blocked off before getting to the creek. However, upon inspection of the area I saw an eroded channel leading from the end of the filter strip to Pangborn Creek.

Although I did not see a discharge from the filter strip to Pangborn Creek at the time of the inspection, the concern is that silage drainage entering this filter strip has the potential to enter Pangborn Creek during certain rain events.

I discussed this area of concern with Mr. Vander Veen at the time of the closing conference.

B. Land Application Along Clearbrook Road At the time of the inspection, we inspected a land application field located along Clearbrook Road. The vegetation on this field was corn stubble. I saw that manure solids were applied to portions of this 39.7 acre field. I also saw that in portions of the field manure solids were applied approximately five to ten feet from drainage ditches located along the edge of this land application field. See photograph #s 11 and 12 of attachment B and attachment E for details of this land application field.

According to Mr. Vander Veen, manure solids from his dairy were applied on this field on February 19, 20, 22, and 23, 2010. He said that he did not know at the time of the application that the application buffer (established in his nutrient management plan) was 45 feet (for applications made during this time of year).

The concern is that the distance between the edge of the manure application and the nearby drainage ditches appears to be closer than the buffers established in the facility's nutrient management plan.

I did not see runoff from this land application field enter nearby drainage ditches at the time of the inspection. However, I did not see any mechanism in place on this field to prevent runoff from entering these drainage ditches. Another concern is that runoff could enter these drainage ditches during certain rain events.

I discussed this area of concern with Mr. Vander Veen at the time of the closing conference of the inspection. This area of concern was also identified by Kurt Niemeyer with the Washington State Department of Agriculture. See attachment F of this report for a copy of Mr. Niemeyer's inspection report.

XV. Receiving Water

The nearest surface water to the dairy building complex is Pangborn Creek. The nearest surface waters to the off-site land application area are drainage ditches which connect to Johnson Creek. See attachment A for details regarding the location of these surface waters.

XVI. Sample Collection and Analyses

I did not collect any samples at the time of this inspection.

XVII. Closing Conference

The closing conference was held on March 31, 2010. The individuals present were the inspection team members (Joe Roberto, Dave Terpening, and Kurt Niemeyer) and John Vander Veen. During the closing conference I discussed the areas of concern identified above.

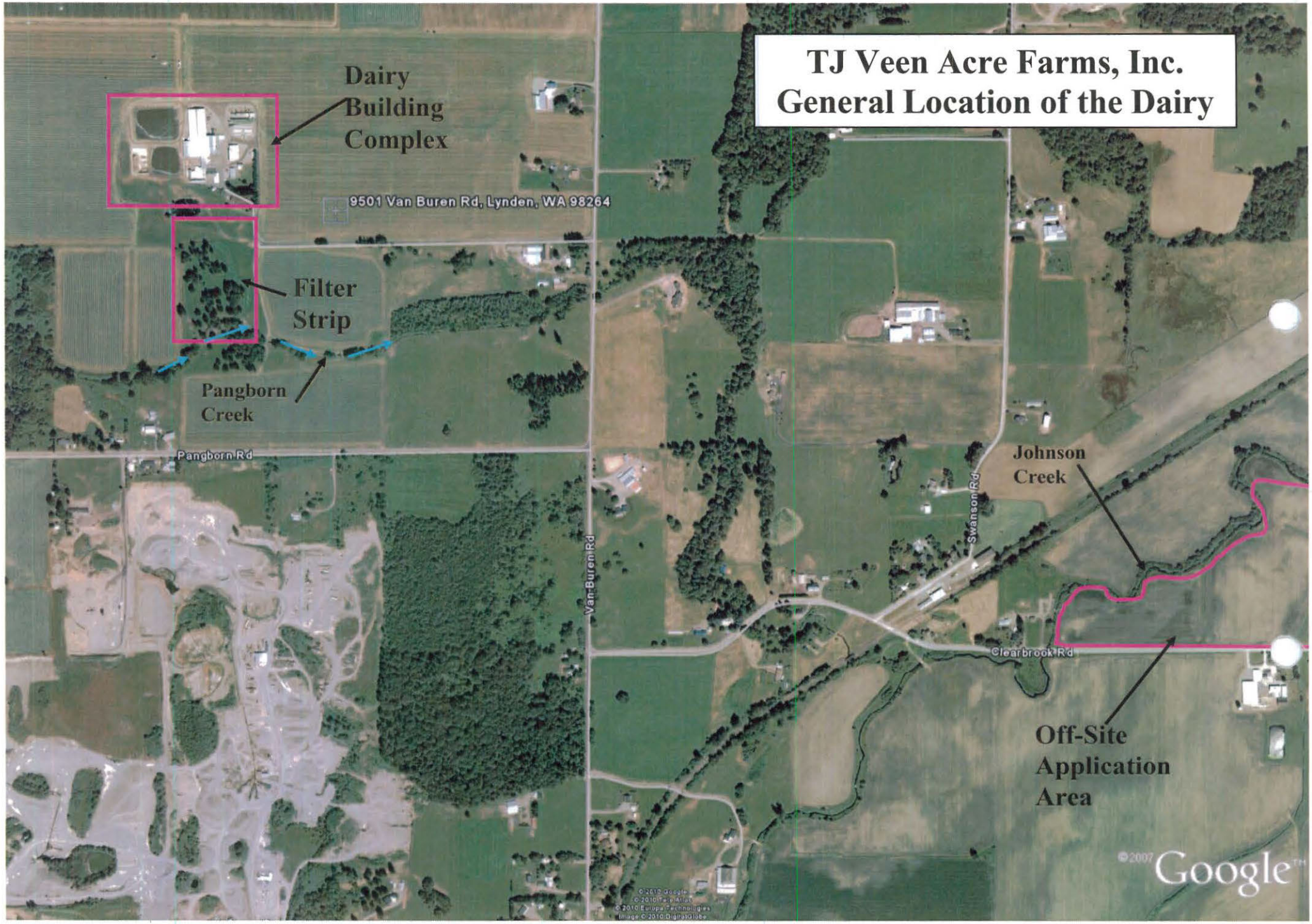
Report Completion Date: 04/13/10

Lead Inspector Signature: Josh D. Rutt

ATTACHMENT A

Aerial Photograph
Showing the General Location of the Dairy

TJ Veen Acre Farms, Inc.


TJ Veen Acre Farms, Inc.
General Location of the Dairy
Dairy Building Complex
9501 Van Buren Rd, Lynden, WA 98264
Filter Strip
Pangborn Creek
Pangborn Rd
Van Buren Rd
Swanson Rd
Johnson Creek
Clearbrook Rd
Off-Site Application Area
©2007 Google

ATTACHMENT B

Photograph Documentation

(All photographs were taken by Dave Terpening on March 31, 2010)

TJ Veen Acre Farms, Inc.

Photo #1: Sign at the dairy.

Photo #2: Westerly view showing a portion of the confinement area.

Photo #3: View in the vicinity of the below ground manure pit.

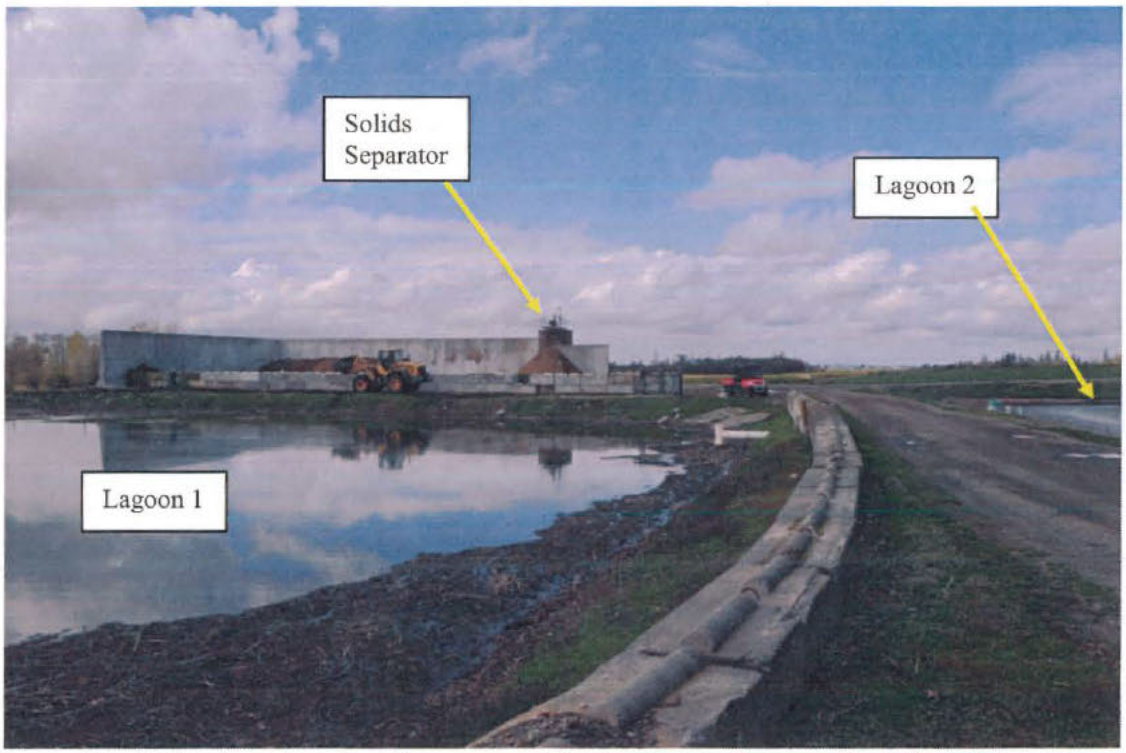


Photo #4: Westerly view showing stage one of the lagoon system on the left and stage two on the right. Also note the solids separator in the background.

Photo #5: Southwesterly view showing the stage two lagoon.

Photo #6: Close-up of the solids separator.

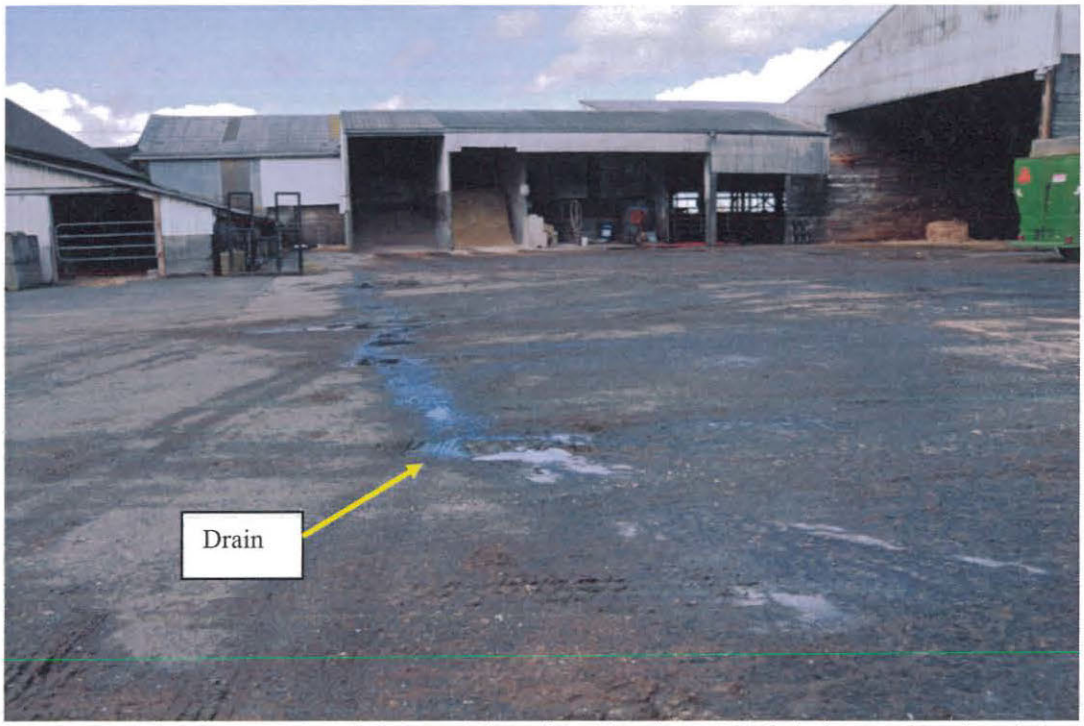


Photo #7: Westerly view in the vicinity of the silage bunker which is located to the right of this photograph. Note the drain in the center which collects drainage from this area of the facility.

Photo #8: Northerly view showing the dairy barn complex in the background and the filter strip area identified by the yellow arrows. This filter strip receives the drainage from the portion of the dairy shown in the previous photograph.

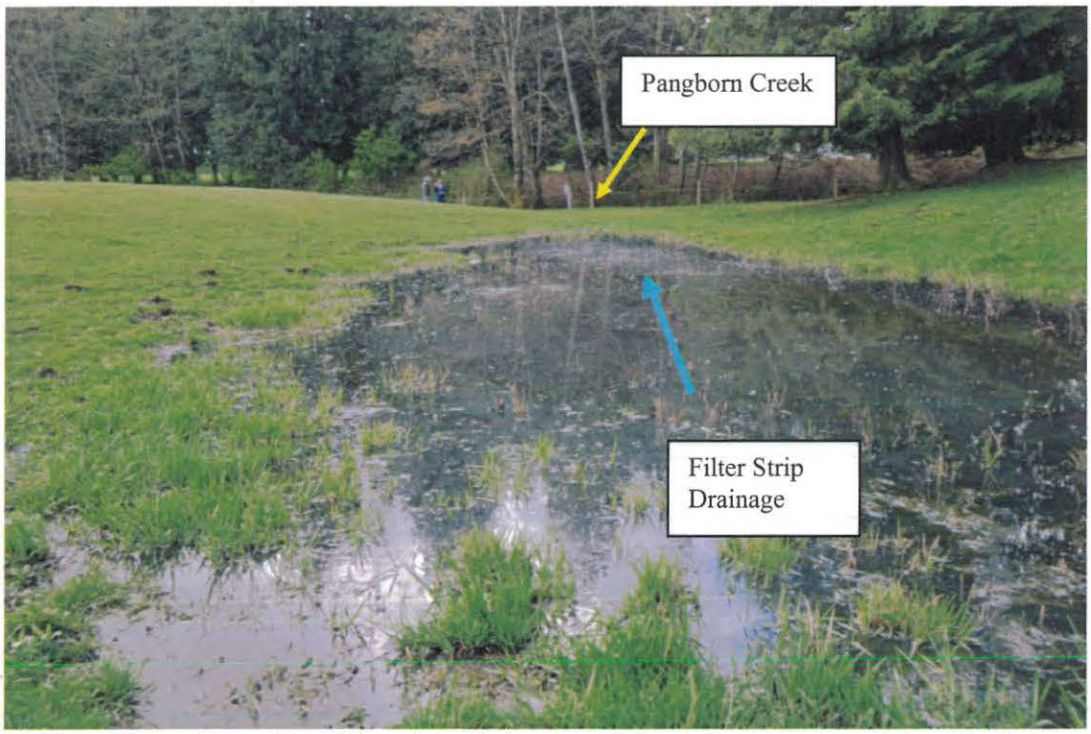


Photo #9: Another view of the filter strip drainage. This photograph was taken further south from the dairy than the previous photograph. Note that Pangborn Creek is located along the row of trees in the background of the photograph.

Photo #10: Easterly view showing Pangborn Creek. Note that the pooled liquid from the filter strip is to the left of this photograph.

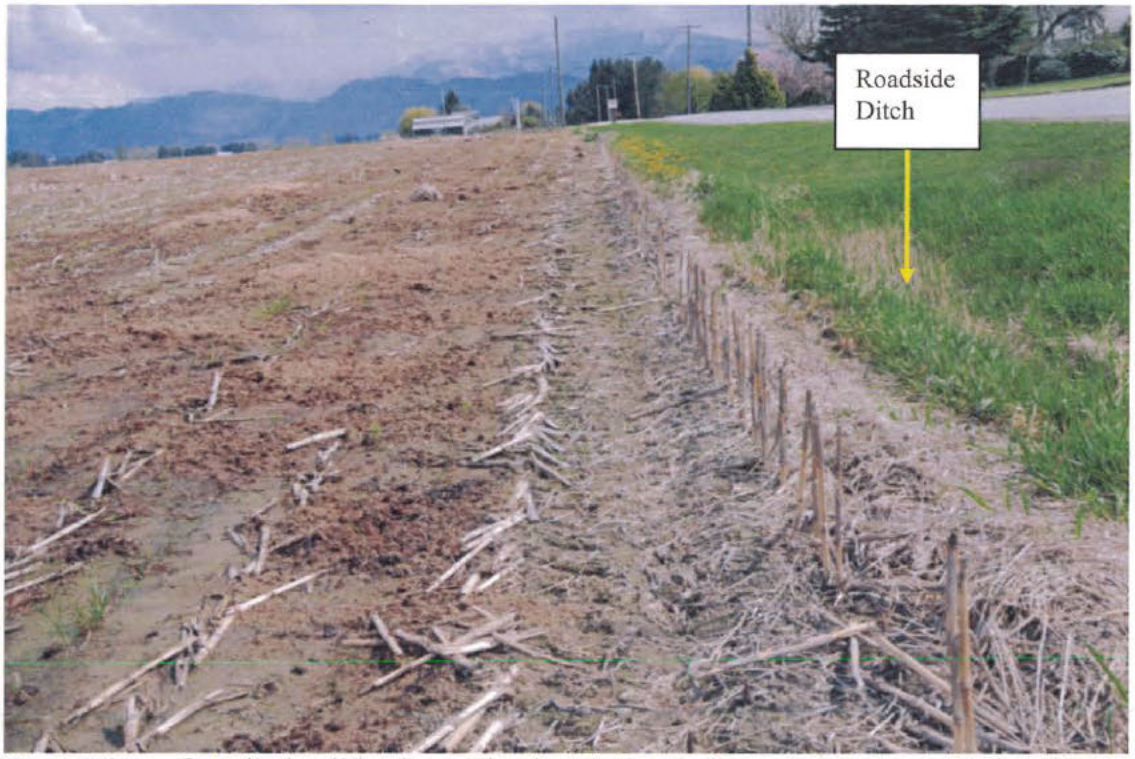


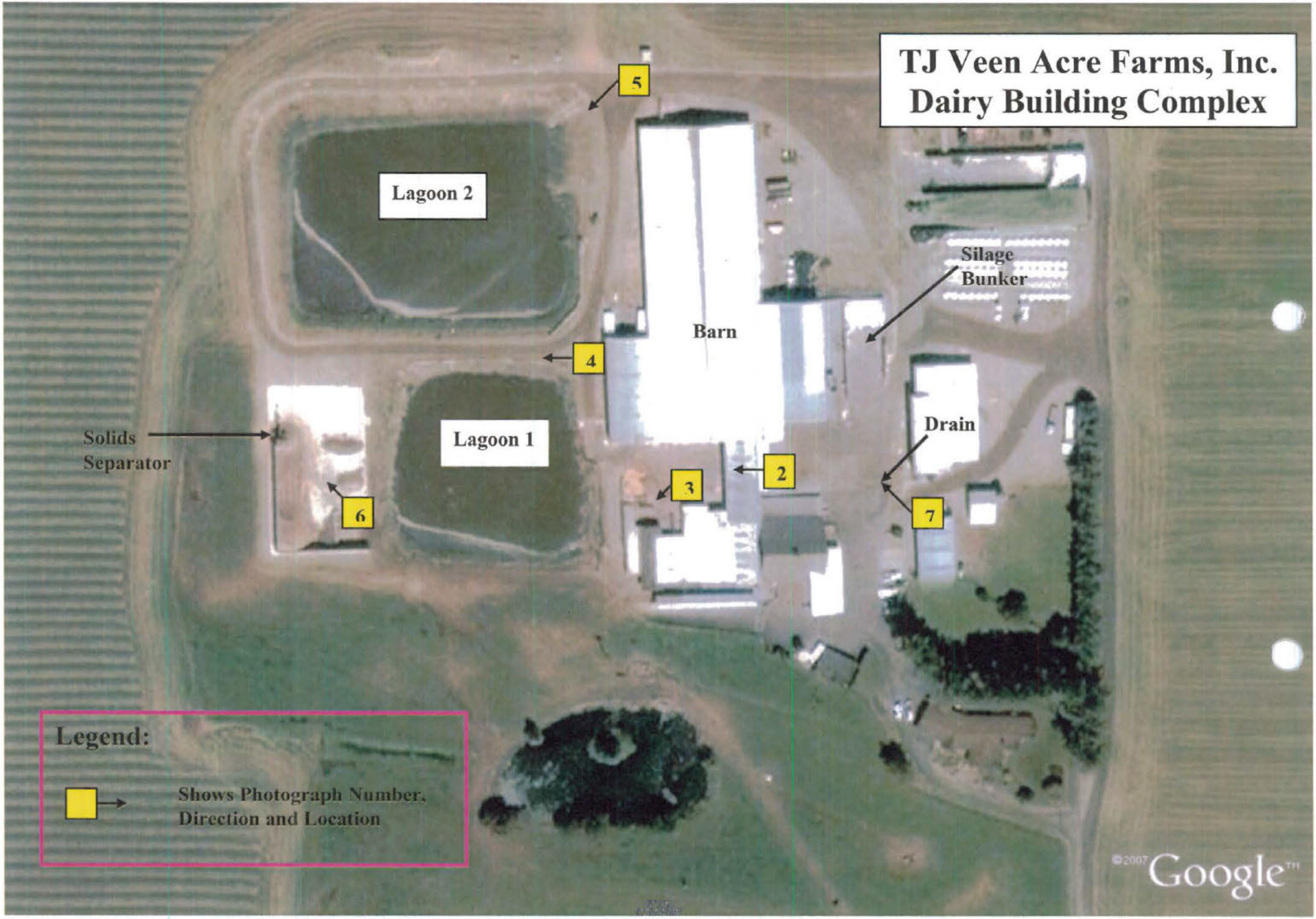
Photo #11: View of applied solids along Clearbrook Road. Note that these applied solids are within five to ten feet of the roadside ditch on the right side of the photograph.

Photo #12: Another view of the land application field along Clearbrook Road.

ATTACHMENT C

Aerial Photograph
Showing the Dairy Building Complex

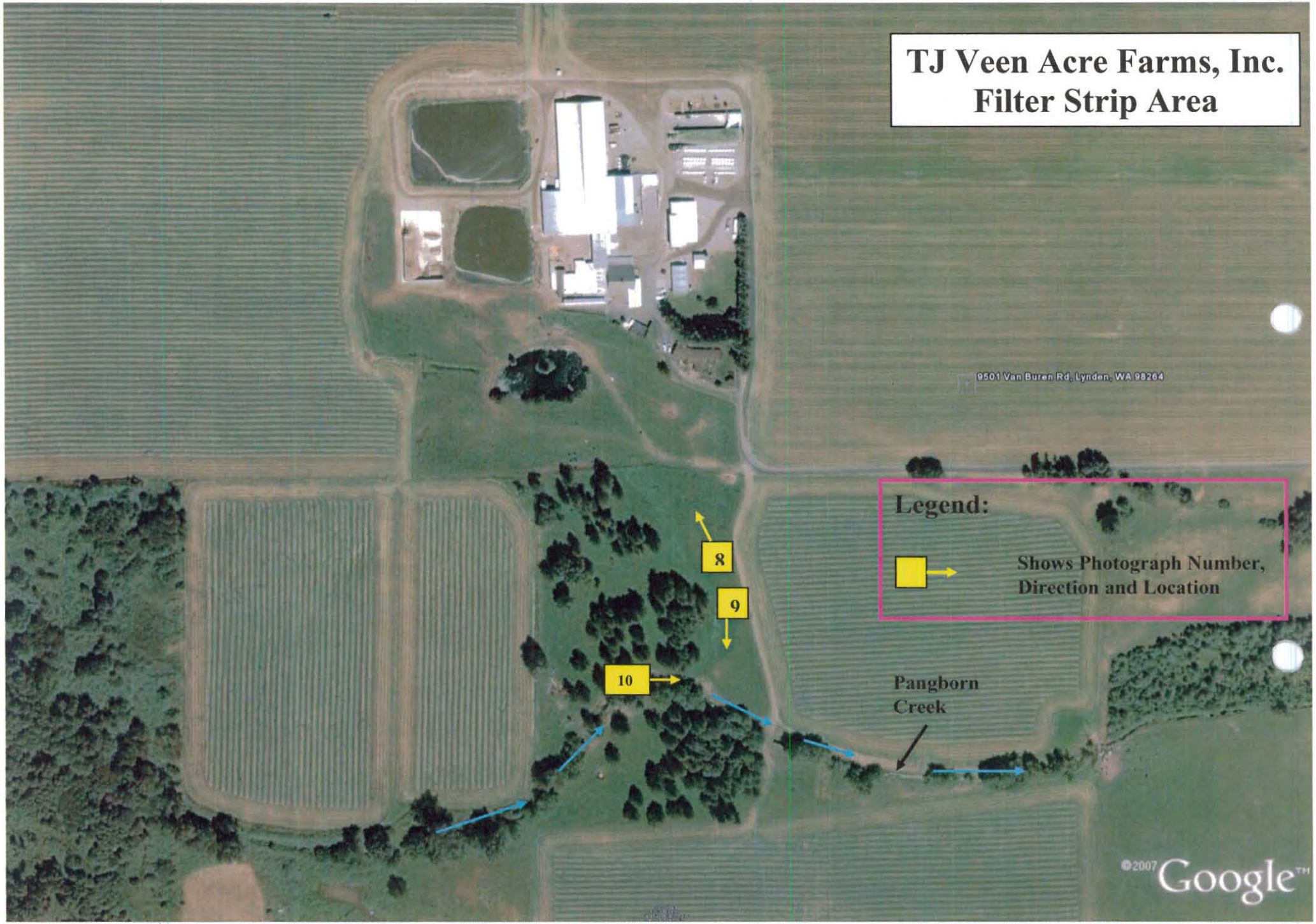
TJ Veen Acre Farms, Inc.


TJ Veen Acre Farms, Inc.
Dairy Building Complex
Lagoon 2
Lagoon 1
Barn
Silage
Bunker
Drain
Solids
Separator
5
4
2
3
6
7
Legend:
Shows Photograph Number,
Direction and Location
©2007 Google™

ATTACHMENT D

Aerial Photograph
Showing the Filter Strip Area

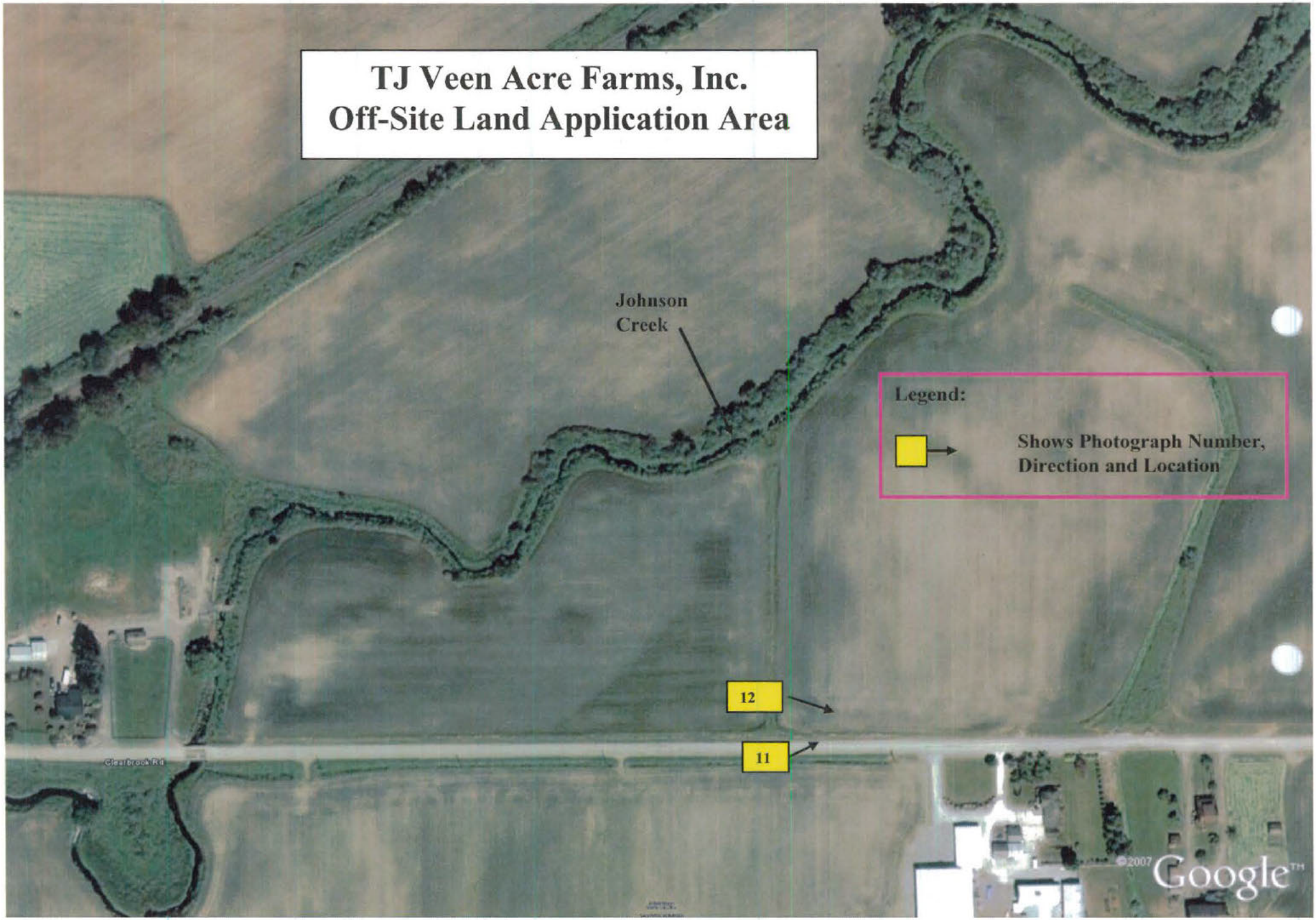
TJ Veen Acre Farms, Inc.


TJ Veen Acre Farms, Inc.
Filter Strip Area
9501 Van Buren Rd, Lynden, WA 98264
Legend:
Shows Photograph Number, Direction and Location
8
9
10
Pangborn Creek
©2007 Google™

ATTACHMENT E

Aerial Photograph
Showing the Off-Site Land Application Area

TJ Veen Acre Farms, Inc.


TJ Veen Acre Farms, Inc.
Off-Site Land Application Area
Johnson Creek
Legend:
Shows Photograph Number, Direction and Location
12
11
Clearbrook Rd
©2007 Google™

ATTACHMENT F

WSDA Livestock Nutrient Management Program
Inspection Report

TJ Veen Acre Farms, Inc.

Washington State Department of Agriculture
Livestock Nutrient Management Program
PO Box 42560
Olympia WA 98504-2560
(360) 902-1982

LIVESTOCK NUTRIENT MANAGEMENT PROGRAM INSPECTION REPORT

Facility Name: TJ Veen Acre Farms AG ID No: 5274 Permit ID: _____

Date of Inspection: 3/31/10 Arrival Time: 10:20 Permit Status: _____

WSDA Inspector(s): Kurt Niemeyer

Others: _____

Inspection Type: *(check one)*

☐ Initial (New) ☐ Routine ☐ Follow Up ☐ Technical Assistance
☐ Facility Closure ☐ Permit Cancellation ☑ Investigation

☐ Complaint ERTS# _____ Referred from _____

Property Owner's Name: _____ Phone No: (b) (6) [redacted]

Facility Operator's Name: Ted + John Vander Veen Mobile No: (b) (6) [redacted]

Facility Address: 9501 Van Buren Rd Email: _____
Lynden, WA 98264

County: Whatcom

Mailing Address: Same as above Drainage/WRIA: Johnson Cr/WRIA #1

Weather **Past 24 Hours** ☐ Storm ☐ Freezing ☐ Rain ☐ Showers ☑ Overcast ☐ Clear

Current ☐ Storm ☐ Freezing ☐ Rain ☐ Showers ☐ Overcast ☐ Clear

Explanation of regional environmental concerns: Shellfish, Ground water, Salmon

Approximate distance facility is from waters of the state: _____

I. Inspection History

		Yes	No	
1)	Has WSDA (or Ecology) inspected this farm before?	☑	☐	Date of last inspection 3/10/09
2)	Has or is the farm currently under a formal enforcement action?	☐	☒	

II. NMP Information

			Yes	No
1)	Does the farm have a livestock nutrient management plan (NMP)?		☒	☐
2)	Is the livestock nutrient management plan on site?		☒	☐
3)	Is the NMP approved by a conservation district?	Date: 1/6/99	☒	☐
4)	Is the NMP certified by a conservation district?	Date: 12/22/99	☒	☐
5)	Is the NMP certified by the livestock producer?	Date: 12/24/99	☒	☐

6) Who developed the NMP? Whatcom CD

7) Acreage NMP was developed for (b) (6) [redacted] Current total acreage (b) (6) [redacted]

8) Herd size NMP was developed for Milking (b) (6) [redacted] A# Dry Cows (b) (6) [redacted] A# Heifers (b) (6) [redacted] A# Total _____ A#

III. Detail of Current Animal Inventory

Dairy Livestock	A#	AU	Non-Dairy Livestock	A#	AU
1) Milking Cows	(b) (6) [redacted]		1)		
2) Dry Cows	(b) (6) [redacted]		2)		
3) Heifers (6 mos - fresh)	(b) (6) [redacted]		3)		
4) Calves (0 - 6mos)	(b) (6) [redacted]		4)		
Total animals on site	(b) (6) [redacted]		Total animals on site		

Are there any additional rearing or feeding operations associated with the operation of this facility? ☒ Yes ☐ No

If yes, explain Heifers raised at custom facility

Facility Name: TJ Veen Acre Farms Date: 3/31/10

IV. Nutrient and Leachate Collection

		Yes	No
1)	Number of days per year animals are confined? _____ Milking _____ Dry Cows		
2)	Is all the manure in the confinement area contained and directed to storage?	☐	☐
3)	Is milk parlor and milking barn wash down water collected and transferred to storage?	☐	☐
4)	Is roof runoff water diverted away from contaminated areas?	☐	☐
5)	Is plate cooler water diverted away from contaminated areas?	☐	☐
6)	Is plate cooler water Recycled?	☐	☐
7)	Silage leachate ☐ Collected and transferred to storage ☐ Filter Strip ☐ Ag Bags ☐ Silo ☐ Other _____		
8)	Is any area of the farm acreage frequently flooded?	☐	☐

Inspection

Comments: _____

V. Nutrient Storage

1) What type of nutrient storage is used? ☐ Manure lagoon ☐ Above ground tank ☐ Under ground tank ☐ Dry stack ☐ Manure pit ☐ Covered on slab

_____

2) Total lagoon storage- capacity/volume _____ Months/Year _____ Current amount of storage utilized _____ %

3) Lagoon Solids Build Up ☐ Light ☐ Medium ☐ Heavy

4) Dike Condition ☐ Good ☐ Fair ☐ Poor

Inspection

5) Treatments ☐ Solid Separator ☒ Composting ☐ Digester ☐ Other _____

6) Total solids storage - capacity/volume _____ Months/Year _____ Current amount of storage utilized _____ %

7) How do you handle your animal mortalities? ☐ Carcass Burial ☐ Composting ☐ Incineration ☐ Digestion ☐ Landfill ☐ Rendering by licensed rendering plant ☐ Other _____

Comments: _____

VI. Nutrient Application

How are nutrients applied? ☐ Sprinkler (big gun) ☐ Sprinkler (irrigation system) ☑ Dry Spreader ☐ Spreader (honey wagon) ☐ Injector ☐ Other ☐ Custom Applicator

	Yes	No	Years records maintained
1) Is commercial fertilizer utilized in crop production?	☒	☐	~~2009~~ 2007 – 2009
2) Are nutrient export records maintained?	☒	☐	2010
3) Are water quality testing records maintained?	☐	☒	
4) Are nutrient application records maintained?	☒	☐	
5) Are nutrient testing records maintained?	☒	☐	
6) Are soil testing records maintained?	☐	☐	

1 CW

Number of Fields/Management Units _____ Perennial _____ Annual

Soil Nitrate-N _____ Acceptable _____ Needs Attention

Soil Phosphorus _____ Acceptable _____ Needs Attention

Comments: Field 15a NMP set back Dry Season 10' – Wet season 45' – Winter 90 Feet – Both field 15a and 15B had excellent Nitrate and phosphorus values.

Facility Name: TJ Veen Acre Farms Date: 3/31/10

VII. Current Inspection Outcome

		Yes	No
1)	Does livestock have direct access to surface water?	☐	☑
2)	Is there a release of pollutants to waters of the state?	☐	☐
3)	Is there evidence of a release of pollutants to waters of the state?	☐	☐
4)	Is there an immediate potential for a release of pollutants to waters of the state?	☒	☐
5)	Were any photographs taken?	☐	☐
6)	Were any water samples taken?	☐	☐

			Yes	No	Follow Up By:
7)	Is follow up needed?	For facility issues	☐	☒	
		For record or application issues	☒	☐	April 5, 2010
		NMP Update	☐	☒	
		Referred to CD Technical Assistance	☐	☒	

8) Compliance activity? *(Check those that may apply)*
☑ WARNING ☑ NOV ☐ ORDER ☐ PENALTY ☐ PERMIT ☐ NONE

Comments: Field next to Nooksack Rd. had 170 yards of solids applied on 2-19-10 and 200 yards applied on 2-20. The center field had 1/2 yards applied on 2-22-10 and 100 yards applied on 2-23-10 Field 15A 23.4 acre and 15B 16.3 acre = 39.7 acre

Solids tests N as received 4.81b/Ton 100% Dry 17.551b/To

Solids had came out of separator and had been composted since last fall.

* Please address areas in field 15A and 15B where solids were applied to close to ditchs. Place earthen berm between solids and ditch.

Are Additional Comments Attached ☒ Yes ☐ No

Please send requested information to Livestock Nutrient Management Program, WSDA

☐ Southwest Region 2nd Floor Natural Resources Building, 1111 Washington Street SE, Olympia, WA 98504 (360) 902-1928 FAX (360) 902-2000	☐ Northwestern Region 6951 Hannegan Road, Suite 10 Lynden, WA 98264 (360) 961-7412 FAX (360) 354-7421
☐ Eastern Region PO Box 698 Ephrata, WA 98823 (509) 969-7140 FAX (509) 754-6019	☐ Puget Sound Region 1914 N. 34th ST, Suite 107 Seattle WA. 98103 (360) 202-3257 FAX (206) 632-7576

Producer approves to have copy of report sent to Conservation District / Consultant ☐ Yes ☐ No

WSDA Inspector Signature 3/31/10 Date

Facility Contact Signature Acknowledging Receipt 3-31-10 Date

Departure Time: 1:00 pm

Washington State Department of Agriculture
Livestock Nutrient Management Program
PO Box 42560
Olympia WA 98504-2560
(360) 902-1982

LIVESTOCK NUTRIENT MANAGEMENT PROGRAM INSPECTION REPORT

Facility Name: TJ Veen Acre farms **Date:** 3/31/10

Additional Comments: John told me he hired a guy to run the tractor when applying on fields 15A and 15b. John told me he instructed the hired man to stay away from the ditches. John admitted he did not know what the application set-backs were at the time of application. He was informed by his cousin that we were looking at his field on 3/30/10 when we got to John's farm on 3/31/10 John had already read his nutrient management plan and was aware that the buffer was 10' in the summer, 90' in the winter and 45' in the wet season.

On the North side of clearbrook Rd. in field 15A solids were applied 10 feet from ditch

Are Additional Comments Attached ☐ Yes ☒ No